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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In re: CAPRIATI CONSTRUCTION CORP. INC.,
Debtor.

Case No. 15-15722-abl
Chapter 11

NATIONS FUND I, LLC,
Plaintiff,
v.
CATERPILLAR FINANCIAL SERVICES
CORPORATION; CAPRIATI CONSTRUCTION
CORP. INC.,
Defendants.

Adversary No. 16-01037-abl

Appeal Reference Number: 17-45

USDC Number: 17-cv-02637-RFB

**STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE**

CATERPILLAR FINANCIAL SERVICES
CORPORATION,
Cross-Claimant,
v.
CAPRIATI CONSTRUCTION CORP., INC.,
Cross-Defendant.

CATERPILLAR FINANCIAL SERVICES
CORPORATION,
Counterclaimant,
v.
NATIONS FUND I, LLC,
Counterdefendant.

CATERPILLAR FINANCIAL SERVICES
CORPORATION,
Third Party Claimant,
v.
DAVID ROCCHIO,
Third Party Defendant.

THIS STIPULATION is entered into by and among Caterpillar Financial Services Corporation ("Caterpillar"), Capriati Construction Corp., Inc. ("Capriati"), and David M. Rocchio Sr. ("Rocchio," and together with Caterpillar and Capriati, the "Parties"), by and through their respective counsel, stipulate and agree as follows:

1. That this action, including the submitted Proposed Findings of Fact and Conclusions of Law submitted to this Court on September 25, 2018 as ECF No. 16, and all claims amongst the Parties shall be dismissed with prejudice and the Proposed Findings of Fact and Conclusions of Law shall be vacated;

2. That any outstanding hearings and deadlines shall be vacated; and

3. That the Parties shall bear their own attorneys' fees and costs associated with this action and the Proposed Findings of Fact and Conclusions of Law.

Dated: February 27, 2019

Dated: February 27, 2019

SNELL & WILMER L.L.P.

KUNG & BROWN

/s/ Blakeley E. Griffith

/s/ A.J. Kung

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Attorneys for Caterpillar Financial Services Corporation

Attorneys for Capriati Construction Corp., Inc. and David M. Rocchio Sr.

ORDER

IT IS SO ORDERED.

DATED this 28th day of February, 2019.



RICHARD F. BOULWARE, II
United States District Judge

Respectfully submitted,
SNELL & WILMER L.L.P.

/s/ Blakeley E. Griffith

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CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2019, I electronically filed the foregoing **STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE** with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED this 27th day of February 2019.

Jill Math

An Employee of Snell & Wilmer L.L.P.